IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18012 of 2004

Between:

Mohd Yousufuddin, S/o. Mohd Khaja Moinuddin,
Planning and Extension Division, Adilabad, Adilabad District.

..... PETITIONER

AND

1 The Principal Chief Conservator of Forests, Forest Dept., Government of A.P., Tulga Bldgs, Mojamjahi Market, Hyd.
2 The Conservator of Forests, Adilabad Circle, Adilabad District.
3 The Divisional Forest Officer, Adilabad Division, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Certiorari quashing the order dt. 09.09.2004 of A.P. Administrative Tribunal passed in O.A.SR.No.10790 of 2004 with M.A.No.2910 of 2004 by holding the same to be illegal and consequentially issue a direction to the respondents one and two to consider the petitioner's case for promotion as Deputy Range Officer from 15.12.2001 or from 19.03.2002 or from 31.03.2004 with all consequential benefits.

Counsel for the Petitioner: MR.M.JAGANNATHA SARMA

Counsel for the Respondent Nos.1 to 3: GP FOR SERVICES I

The Court, at the stage of admission, made the following:

ORAL ORDER: (Per: The Hon'ble Mr. Justice Goda Raghuram)

The petitioner filed O.A.Sr.No. 10790 of 2004 for the relief of a direction to the respondents to consider his case for promotion as Deputy Range Officer either from 15-12-2001, 19-03-2002 or 31-03-2004 and with all consequential benefits. Along with O.A.Sr.No. 10790 of 2004, he filed M.A.No.2810 of 2004 seeking condonation of delay of one year, two months and seventeen days in instituting O.A.Sr.No. 10790 of 2004 under Section 19 of the Administrative Tribunals Act, 1985 (for short 'the Act'). The M.A.No. 2810 of 2004 was rejected by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal) by the order dated 09-09-2004 on the ground that no satisfactory explanation for the delay has been set out in the affidavit accompanying M.A. On a perusal of the averments made in the affidavit filed in support of the M.A., this conclusion of the Tribunal does not appear to be in error insofar as the relief is claimed for promotion from 15-12-2001 or 19-03-2002..

However, in the context of reliefs sought by the applicant, the relief that the respondents be directed to consider his case for promotion to the Deputy Range Officer at least from 31-03-2004 is not barred by laches of delay nor by the prescriptions of limitation set out in the Act.

On the above analysis, we dispose of the writ petition, with consent, having heard the learned counsel for the petitioner and the learned Government Pleader for Services-I, directing the respondents to consider the case of the petitioner for promotion as Deputy Range Officer on or from 31-03-2004, in accordance with rules and if he is eligible for such promotion. The respondents are, however, not obligated to consider the case of the petitioner for promotion prior to 31-03-2004. In case the petitioner is considered for promotion, he shall also be entitled to all consequential and incidental benefits with effect from the date on which he is so promoted. No

order as to costs.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

Dt. 07-10-2004

Pvks/*

To

1 The Principal Chief Conservator of Forests, Forest Dept., Government of A.P., Tulga Bldgs, Mojamjahi Market, Hyderabad.
2 The Conservator of Forests, Adilabad Circle, Adilabad District.
3 The Divisional Forest Officer, Adilabad Division, Adilabad District.

4. The Registrar, A.P. Administrative Tribunal, Hyderabad.

5. 2CCs to the Government Pleader for Services-I, A.P. High Court Buildings, Hyderabad (OUT).

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